

Officer History

Officer Name: FRESNEL,
PETERSON

Tax ID: 936619

Shield: 01336

Rank: DT3

Birth Year: [REDACTED]

Age: [REDACTED]

Sex: M

Race: Black

Command: 331

Appt Date: 01/10/2005

Tenure: 17

CCRB #	CMD	Incident Date	Reported Date	Allegation	Allegation Disposition	Board Discipline Recommendation*	NYPD Allegation Disposition	NYPD MOS Penalty
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
200900443	105	01/08/2009	01/11/2009	Abuse - Vehicle stop	Unsubstantiated			
				Abuse - Frisk	Unsubstantiated			
				Abuse - Question	Unsubstantiated			
200904323	105	03/17/2009	03/20/2009	Abuse - Search (of person)	Unsubstantiated			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
201006259	105	05/07/2010	05/09/2010	Abuse - Refusal to provide name/shield number	Unsubstantiated			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
202001716	331	03/01/2020	03/01/2020	[REDACTED]	[REDACTED]			
				Abuse - Refusal to process civilian complaint	Substantiated (Command Discipline B)	Substantiated (Charges)		
				[REDACTED]	[REDACTED]			

*Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is separate and apart from the disposition of the allegations substantiated against the officer.

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202001716	331	03/01/2020	03/01/2020	Untruthful Stmt. - Misleading official statement	Substantiated (Charges)	Substantiated (Charges)		
				Abuse - Failure to provide RTKA card	Substantiated (Command Discipline A)	Substantiated (Charges)		
				Discourtesy - Word	Unsubstantiated			
				Force - Physical force	Unsubstantiated			
				Off. Language - Race	Unsubstantiated			
				Total Charges = 27	Total Cases = 8			

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CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Field	Team: Squad #6	CCRB Case #: 202001716	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday 03/01/2020 12:32 AM Sunday 03/01/2020 12:35 AM	18 Mo. SOL 09-01-2021 09-01-2021	EO SOL 04-18-2022 04-18-2022	Location of Incident: Outside the 101st Precinct Stationhouse; Inside the 101st Precinct Stationhouse		Precinct: 101
Date/Time CV Reported Sun, 03/01/2020 4:50 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 03/01/2020 4:50 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT
2. DT3 Peterson Fresnel	1336	936619	101 DET
3. LT [REDACTED]	[REDACTED]	[REDACTED]	101 PCT
4. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT
2. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his name to [REDACTED]	A . Unfounded
B . POM [REDACTED]	Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his shield number to [REDACTED]	B . Unfounded
C . POM [REDACTED]	Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his name to [REDACTED]	C . Unfounded
D . POM [REDACTED]	Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his shield number to [REDACTED]	D . Unfounded
E . DT3 Peterson Fresnel	Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel refused to provide his name to [REDACTED]	E . Unfounded
F . DT3 Peterson Fresnel	Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel refused to provide his shield number to [REDACTED]	F . Unfounded
G . POM [REDACTED]	Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] failed to provide [REDACTED] with a business card.	G . Substantiated
H . DT3 Peterson Fresnel	Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel failed to provide [REDACTED] with a business card.	H . Substantiated

Officer(s)	Allegation	Investigator Recommendation
I . DT3 Peterson Fresnel	Offensive Language: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel made remarks to [REDACTED] [REDACTED] based upon race.	I . Unsubstantiated
J . DT3 Peterson Fresnel	Discourtesy: Detective Peterson Fresnel spoke discourteously to [REDACTED] [REDACTED]	J . Unsubstantiated
K . DT3 Peterson Fresnel	Abuse of Authority: Detective Peterson Fresnel did not process [REDACTED] [REDACTED] complaint regarding Det. Peterson Fresnel.	K . Substantiated
L . LT [REDACTED] [REDACTED]	Abuse of Authority: Inside the 101st Precinct stationhouse, Lieutenant [REDACTED] [REDACTED] did not process [REDACTED] [REDACTED] complaint regarding an officer.	L . Substantiated
M . DT3 Peterson Fresnel	Force: Inside the 101st Precinct stationhouse, Detective Peterson Fresnel used physical force against [REDACTED]	M . Unsubstantiated
N . DT3 Peterson Fresnel	Untruthful Statement: Detective Peterson Fresnel provided a misleading official statement to the CCRB.	N . Substantiated
O . POM [REDACTED] [REDACTED]	Other Possible Misconduct Noted: Police Officer [REDACTED] [REDACTED] did not have business cards as required.	O . Other Possible Misconduct

Case Summary

On March 1, 2020, [REDACTED] submitted this complaint with the CCRB via the Call Processing System.

On March 1, 2020, at approximately 12:30AM, Mr. [REDACTED] double-parked his car on Mott Avenue, across the street from the 101st Precinct stationhouse in Queens, to pick up a pizza. PO [REDACTED] of the 101st Precinct, wrote Mr. [REDACTED] a summons for double parking. Police Officer [REDACTED] and PO [REDACTED] of the 101st Precinct, and Det. Peterson Fresnel, of the 101st Detective Squad, stood in the area. Mr. [REDACTED] allegedly asked PO [REDACTED] PO [REDACTED] and Det. Fresnel for their names and shield numbers (**Allegation A though F: Abuse of Authority: unfounded**). Mr. [REDACTED] asked PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel for business cards. PO [REDACTED] provided his business card to Mr. [REDACTED] PO [REDACTED] handwrote his name and shield number on the back of PO [REDACTED] business card, but neither PO [REDACTED] nor Det. Fresnel provided their business cards (**Allegations G and H: Abuse of Authority: substantiated**). When Mr. [REDACTED] asked Det. Fresnel for his business card, Det. Fresnel allegedly responded “No, boy” (**Allegation I: Offensive Language and Allegation J: Discourtesy: unsubstantiated**).

Mr. [REDACTED] entered the 101st Precinct stationhouse to file a complaint against Det. Fresnel for calling him “boy.” Det. Fresnel followed Mr. [REDACTED] inside the stationhouse, stood next to Mr. [REDACTED] as he sat in the civilian waiting area, and asked him repeatedly if he was intoxicated and for his driver’s license (**Allegation K: Abuse of Authority: substantiated**). Lt. [REDACTED] of the 101st Precinct, was the commanding officer at the stationhouse and was assigned to the front desk when Mr. [REDACTED] requested to submit a complaint against Det. Fresnel. Lt. [REDACTED] did not process Mr. [REDACTED] complaint against Det. Fresnel (**Allegation L: Abuse of Authority: substantiated**). Mr. [REDACTED] believed Det. Fresnel was harassing him and that no officer on scene was going to help him submit his complaint, so he left the stationhouse. As he exited, Det. Fresnel allegedly bumped Mr. [REDACTED] upper arm with his chest (**Allegation M: Force: unsubstantiated**). During his CCRB interview, Det. Fresnel provided a misleading official statement to the CCRB (**Allegation N: Untruthful Statement: substantiated**). An allegation of Other Misconduct was noted for PO [REDACTED] for not having any business cards. (**Allegation O: Other Possible Misconduct Noted**)

Mr. [REDACTED] received a summons as a result of this incident (BR 01). No arrests resulted from this incident.

The investigation obtained body-worn camera video from PO [REDACTED] (BR 02) and exterior and interior stationhouse video that captured the incident (BR 03, BR 04). Mr. [REDACTED] provided two audio recordings to the investigation (BR 05, BR 06).

Findings and Recommendations

Allegation (A) Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his name to [REDACTED]

Allegation (B) Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his shield number to [REDACTED]

Allegation (C) Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his name to [REDACTED]

Allegation (D) Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] refused to provide his shield number to [REDACTED]

Allegation (E) Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel refused to provide his name to [REDACTED]

Allegation (F) Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson

Fresnel refused to provide his shield number to [REDACTED] [REDACTED]

In PO [REDACTED] BWC video, beginning at 02:35 minutes into the recording, Mr. [REDACTED] requested business cards from PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel. The video did not capture Mr. [REDACTED] asking for any officer's names and shield numbers (BR 02).

Mr. [REDACTED] testified that while PO [REDACTED] wrote him a summons, he asked PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel for their names and shield numbers. PO [REDACTED] walked away without identifying himself. PO [REDACTED] provided a business card to Mr. [REDACTED] PO [REDACTED] wrote his name and shield number on the back of PO [REDACTED] card. Det. Fresnel refused to identify himself.

PO [REDACTED] did not recall if Mr. [REDACTED] asked for his name or shield number (BR 24).

PO [REDACTED] testified that Mr. [REDACTED] asked for his name and shield number. PO [REDACTED] verbally provided this information to Mr. [REDACTED] and he wrote his name and shield number down on a piece of paper and gave it to Mr. [REDACTED] (BR 10).

Det. Fresnel testified that Mr. [REDACTED] did not ask him for his name and shield number. Det. Fresnel did not refuse to provide his name and shield number upon request to Mr. [REDACTED] (BR 11).

PO [REDACTED] testified that he did not recall if Mr. [REDACTED] asked Det. Fresnel for his name and shield. Mr. [REDACTED] asked all officers present for their cards. PO [REDACTED] provided his card to Mr. [REDACTED] (BR 12).

Mr. [REDACTED] testified that he asked PO [REDACTED] PO [REDACTED] and Det. Fresnel for their names and shield numbers. According to PO [REDACTED] BWC video, which captured the time period in which this request would have been made, it confirmed that Mr. [REDACTED] did not ask any officer for their names and shield numbers. Given the video evidence, the investigation determined that Mr. [REDACTED] did not ask PO [REDACTED] PO [REDACTED] and Det. Fresnel for their names and shield numbers.

It is therefore recommended that **Allegations A, B, C, D, E and F be unfounded.**

Allegation (G) Abuse of Authority: Outside the 101st Precinct stationhouse, Police Officer [REDACTED] failed to provide [REDACTED] [REDACTED] with a business card.

Allegation (H) Abuse of Authority: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel failed to provide [REDACTED] [REDACTED] with a business card.

It is undisputed that PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel were standing in the vicinity of Mr. [REDACTED] while PO [REDACTED] wrote Mr. [REDACTED] a summons.

Mr. [REDACTED] did not make an allegation that he requested business cards from the officers on the scene. However, PO [REDACTED] BWC captured Mr. [REDACTED] request for business cards from PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel (BR 02).

Mr. [REDACTED] provided the investigation with two photographs of PO [REDACTED] business card that he obtained during the incident. On the photograph of the front of the card, PO [REDACTED] name and shield number are pre-printed and his command and phone number are handwritten (BR 07). On the photograph of the back of the card, PO [REDACTED] handwrote his name and shield number (See Allegation N) (BR 08).

In the exterior stationhouse video, beginning at 12:26 minutes into the recording, PO [REDACTED] and PO [REDACTED] stood together near the front of the car, and PO [REDACTED] stood near the rear of the car (BR 03).

In PO [REDACTED] BWC video, beginning at 02:35 minutes into the recording, while PO [REDACTED] prepared a summons for Mr. [REDACTED] Mr. [REDACTED] made three individual requests for business cards from PO [REDACTED] PO [REDACTED] and PO [REDACTED]. After individually requesting business cards from these three officers, Mr. [REDACTED] then made two general requests for business cards from every officer on scene. PO [REDACTED] told Mr. [REDACTED] that he would provide his card. Neither PO [REDACTED] nor PO [REDACTED] verbally responded to Mr. [REDACTED]. Mr. [REDACTED] turned toward Det. Fresnel who was standing across the street on the stationhouse steps and loudly requested his card. The video did not capture Det. Fresnel's response. PO [REDACTED] gave Mr. [REDACTED] his summons. PO [REDACTED] left the scene. PO [REDACTED] retrieved his business card from his patrol vehicle and gave it to Mr. [REDACTED] who stood next to PO [REDACTED] and PO [REDACTED]. Mr. [REDACTED] asked PO [REDACTED] to give his pen to PO [REDACTED] so PO [REDACTED] could write his name down (BR 02).

PO [REDACTED] testified that Mr. [REDACTED] requested his business card. PO [REDACTED] did not provide his business card to Mr. [REDACTED] because he believed that he was not required to do so since he was not the officer who had stopped Mr. [REDACTED] nor issued him a summons (BR 24).

PO [REDACTED] testified that he provided his name and shield number to Mr. [REDACTED] on a piece of paper. PO [REDACTED] did not provide a card to Mr. [REDACTED] because he did not have any business cards on his person. PO [REDACTED] heard Mr. [REDACTED] ask Det. Fresnel for identifying information but did not recall if Det. Fresnel provided this information to Mr. [REDACTED] (BR 10).

Det. Fresnel testified that Mr. [REDACTED] did not ask him for his business card. Det. Fresnel did not provide a business card to Mr. [REDACTED] (BR 11).

PO [REDACTED] testified that Mr. [REDACTED] asked all officers on scene for their business cards (BR 12).

An officer shall offer a business card to any person requesting identifying information or provide such information verbally to such person and allow such person sufficient time to record such information when such officer does not have an adequate number of pre-printed business cards on his person at the time of such law enforcement activity. NYC Administration Code 14-174 (BR 13).

Although Det. Fresnel testified that Mr. [REDACTED] did not request his business card, PO [REDACTED] and PO [REDACTED] confirmed that Mr. [REDACTED] requested Det. Fresnel to identify himself. Moreover, the BWC video confirmed that Mr. [REDACTED] requested a business card from PO [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel. PO [REDACTED] complied with this request and PO [REDACTED] provided his name and shield number on the back of PO [REDACTED] business card (see Allegation O). However, neither PO [REDACTED] nor Det. Fresnel provided a business card to Mr. [REDACTED] upon request and in violation of NYC Administrative Code. Therefore, it is therefore recommended that **Allegations G and H** be closed as **substantiated**.

Allegation (I) Offensive Language: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel made remarks to [REDACTED] based upon race.

Allegation (J) Discourtesy: Detective Peterson Fresnel spoke discourteously to [REDACTED]

In PO [REDACTED] BWC video, beginning at 02:48 minutes into the recording, Mr. [REDACTED] approached Det. Fresnel and can be heard loudly requesting Det. Fresnel's business card. The video did not capture Det. Fresnel's response to Mr. [REDACTED] nor did the video capture Det. Fresnel allegedly calling Mr.

██████████ "boy." The video captured Mr. ██████████ loudly repeating "I ain't your boy" to Det. Fresnel and a subsequent verbal dispute on the street that took place out of the frame of the video (BR 02).

Mr. ██████████ testified that he asked Det. Fresnel for his name and shield number, but Det. Fresnel told him "No, boy." Mr. ██████████ told Det. Fresnel "I'm not your boy." Mr. ██████████ then entered the stationhouse to file a complaint against Det. Fresnel for calling him "boy" (BR 09).

Det. Fresnel testified that he called Mr. ██████████ "bro." Det. Fresnel did not recall calling Mr. ██████████ "boy" (BR 11).

Both PO ██████████ and PO ██████████ heard Mr. ██████████ and Det. Fresnel arguing but did not recall the substance of this conversation (BR 12 and 24).

PO ██████████ testified that Mr. ██████████ and Det. Fresnel got into an argument in front of the stationhouse. He did not hear Det. Fresnel call Mr. ██████████ "boy" but he did hear Mr. ██████████ tell Det. Fresnel "I'm not your boy" (BR 10).

Due to conflicting civilian and officer testimony, and absent any video evidence or independent witness testimony, the investigation was unable to determine whether Det. Fresnel called Mr. ██████████ "boy". It is therefore recommended that **Allegations I and J** be closed as **unsubstantiated**.

Allegation (K) Abuse of Authority: Inside the 101st Precinct stationhouse, Detective Peterson Fresnel refused to process a civilian complaint regarding Detective Peterson Fresnel.

InputAce was used to synchronize interior stationhouse video captured by vestibule and lobby cameras with Mr. ██████████ audio recording.

Beginning at 00:35 minutes into the recording, Mr. ██████████ told Lt. ██████████ "I want to make a complaint on one of the guys out there calling me his "boy" like I'm a pet." Det. Fresnel entered the lobby and is visible in the frame standing stood approximately five feet from Mr. ██████████ as he continued to explain his complaint to Lt. ██████████ "Come here, "boy." So, can I make a complaint of that situation?" Mr. ██████████ turned, saw Det. Fresnel, gestured at Det. Fresnel, then told Lt. ██████████ "He's calling me his "boy." When Mr. ██████████ sat down, Det. Fresnel stood one foot away from him. Beginning at 01:20 minutes into the recording, Mr. ██████████ tells Det. Fresnel "I'm not dealing with you. I came to make a complaint." Det. Fresnel asked for Mr. ██████████ license. Mr. ██████████ asked Det. Fresnel to get away from him. This goes back and forth seven times. Mr. ██████████ then says, "I'm not dealing with you. I came to make a complaint." Det. Fresnel responded, "That's fine" and then asked Mr. ██████████ five times if he was intoxicated. In response to these requests, Mr. ██████████ noted that he was not dealing with Det. Fresnel. Finally, Det. Fresnel asked, "Are you driving? Are you intoxicated tonight?" Mr. ██████████ responded that there was no help inside and leaves the precinct. At no point during the incident did Det. Fresnel ask Mr. ██████████ to stop recording or to leave the stationhouse (BR 25).

Mr. ██████████ testimony was consistent with the recordings. Mr. ██████████ added that he was not intoxicated and did not provide his driver's license. Mr. ██████████ left the stationhouse and stopped recording (BR 09).

Det. Fresnel testified that he did not know why Mr. ██████████ entered the stationhouse and he was not aware that Mr. ██████████ wanted to file a complaint against him. Det. Fresnel asked Mr. ██████████ for his driver's license because he observed Mr. ██████████ recording on his cellphone, which is not allowed in the stationhouse. Mr. ██████████ held his cellphone in his hand and the screen was lit, which indicated

it was recording. Later in his testimony, Det. Fresnel stated that he asked Mr. [REDACTED] for his identification because as he stood a foot away from him, he smelled a scent that suggested Mr. [REDACTED] had been drinking or smoking, but Det. Fresnel could not identify what specific smell he smelled. Mr. [REDACTED] did not provide his driver's license. After reviewing the audio recording provided by Mr. [REDACTED] Det. Fresnel confirmed that he made repeated requests to Mr. [REDACTED] for his driver's license. Det. Fresnel heard Mr. [REDACTED] tell him "I don't want to deal with you. I came to make a complaint" on the audio recording but stated that did not hear Mr. [REDACTED] make this statement during the incident (BR 11).

PO [REDACTED] testified that he was seated at the Telephone Switchboard Operator (T/S) desk when Mr. [REDACTED] entered the stationhouse. Mr. [REDACTED] said that Det. Fresnel did "something" and he wanted to file a complaint against him [Det. Fresnel]. PO [REDACTED] did not recall if Det. Fresnel asked for Mr. [REDACTED] for his driver license or if Mr. [REDACTED] was intoxicated. (BR 10).

PO [REDACTED] testified that Mr. [REDACTED] entered the stationhouse and wanted to file a report, but PO [REDACTED] did not recall what he wanted to file a report about. Mr. [REDACTED] was recording inside the stationhouse and Det. Fresnel told Mr. [REDACTED] that he could not record inside the stationhouse. Mr. [REDACTED] did not stop recording and Det. Fresnel told him to leave the stationhouse because he was trespassing. PO [REDACTED] did not recall Det. Fresnel asking Mr. [REDACTED] for his driver's license or asking Mr. [REDACTED] if he was intoxicated (BR 15).

Lt. [REDACTED] did not recall this incident (BR 16).

Complaints against uniformed members of the service may be made at any patrol precinct. Complaints made in person are processed when the member of service interviews the complainant, gives the complainant a copy of the Civilian Complaint Report to be prepared in the complainant's own handwriting, and furnishes assistance in preparing the form if necessary. In the case in which a person does not immediately want to make a complaint, then the member of service is to provide the complainant with a copy of a Civilian Complaint Report and advise complainant where the complaint may be delivered and provide the complainant with the telephone number of the CCRB. Patrol Guide 207-31 (BR 20). Members of the public are not allowed to photograph or record police activity within Department facilities. Members of the service may order any member of the public who is photographing or recording within Department facilities to stop such activity. If such person refuses to stop, they then should be ordered to leave the premises. If such person refuses to leave the premises, members of the service may take proper enforcement action under the trespass statutes Patrol Guide 203-29 (BR 18).

The investigation determined that after Mr. [REDACTED] entered the stationhouse to state that he wanted to make a complaint against Det. Fresnel. Det. Fresnel entered, was in earshot of Mr. [REDACTED] request and then asked Mr. [REDACTED] for his driver's license. Det. Fresnel testified that he asked Mr. [REDACTED] for his driver license because he was recording inside the stationhouse. Though Det. Fresnel noted that he did not know that Mr. [REDACTED] wanted to file a complaint against him, the stationhouse and cell phone recordings captured Mr. [REDACTED] verbalize this request in the presence of Det. Fresnel. However, Det. Fresnel's repeated request for Mr. [REDACTED] ID and his question of whether Mr. [REDACTED] was intoxicated, impeded Mr. [REDACTED] ability to file a complaint against him [Det. Fresnel]. While it is reasonable for Det. Fresnel not to take a complaint against himself, Det. Fresnel should have directed Mr. [REDACTED] to the desk to facilitate him filing his complaint.

Moreover, though it was determined that Mr. [REDACTED] was in fact recording as he provided the audio recording which encompassed this time period, the Patrol Guide directs officers to tell civilians who are recording to stop recording. Only after an officer instructs a civilian to stop recording and the

civilian refuses to stop is the civilian subject to trespass statutes. Though Det. Fresnel could have ordered Mr. [REDACTED] to stop recording, this did not occur. The recordings confirm that Det. Fresnel made no mention of Mr. [REDACTED] recording inside the stationhouse and also confirm that Det. Fresnel did not follow the Patrol Guide procedure of first asking Mr. [REDACTED] to stop recording prior to asking him for his driver's license or asking if he was intoxicated. These questions exceeded the scope of questions that Det. Fresnel could have asked as it was accusatory in nature and were done to impede Mr. [REDACTED] from filing a complaint.

As Det. Fresnel did not assist Mr. [REDACTED] with filing a complaint report, it is recommended that **Allegation K** be closed as **substantiated**.

Allegation (L) Abuse of Authority: Inside the 101st Precinct stationhouse, Lieutenant [REDACTED] did not process [REDACTED] complaint regarding an officer.

It is undisputed that Lt. [REDACTED] PO [REDACTED] PO [REDACTED] and Det. Fresnel were present inside the stationhouse while Mr. [REDACTED] waited to submit a complaint against Det. Fresnel. This allegation is pled against Lt. [REDACTED] as he was the officer Mr. [REDACTED] addressed directly to submit his complaint and he was the highest ranking officer in the stationhouse.

InputAce was used to synchronize interior stationhouse video captured by vestibule and lobby cameras with Mr. [REDACTED] audio recording to provide a clearer portrait of the timeline of the incident. Beginning at 00:27 minutes into the recording, Mr. [REDACTED] entered the lobby, asked to speak to a sergeant, pointed behind the command desk, and asked if Lt. [REDACTED] is a sergeant. Lt. [REDACTED] who was out of the frame, asked him what he needs. Mr. [REDACTED] told Lt. [REDACTED] that he wanted to make a complaint against Det. Fresnel for calling him "boy." As he explained this to Lt. [REDACTED] Det. Fresnel entered the lobby, overheard Mr. [REDACTED] request, and stood near Mr. [REDACTED] Lt. [REDACTED] told Mr. [REDACTED] to sit and wait (BR 25).

Mr. [REDACTED] provided an audio recording of the conversation he had with PO [REDACTED] on the phone after to the incident. Beginning at 00:20 minutes into the recording, Mr. [REDACTED] asks PO [REDACTED] if he knew that Mr. [REDACTED] had come into the stationhouse to make a complaint and PO [REDACTED] assents. Beginning at 01:30 minutes into the recording, PO [REDACTED] identifies Lt. [REDACTED] as the officer wearing the white shirt who was present during the incident. PO [REDACTED] confirmed that Det. Fresnel was a detective but did not know his name (BR 06).

Mr. [REDACTED] testified that he entered the stationhouse an officer who was wearing a white shirt, identified by the investigation as Lt. [REDACTED] that he wanted to submit a complaint against Det. Fresnel for calling him "boy." Lt. [REDACTED] told him to sit down. After the incident, Mr. [REDACTED] called the stationhouse and spoke to PO [REDACTED] who confirmed that the officer wearing the white shirt was Lt. [REDACTED]

Lt. [REDACTED] did not recall this incident. Typically, when he was assigned to Desk Officer, he would sit approximately six feet from the TS Operator and was able to hear civilians speaking in the waiting area. Lt. [REDACTED] listened to Mr. [REDACTED] audio recording and did not recognize any of the voices of officers who spoke in the recording nor did the recording refresh his recollection of the incident (BR 16).

PO [REDACTED] testified that he was seated at the TS Operator desk when Mr. [REDACTED] entered the stationhouse. PO [REDACTED] heard Mr. [REDACTED] say that Det. Fresnel did "something" and that he wanted to file a complaint against him, though PO [REDACTED] did not recall about what. Mr. [REDACTED] sat in the civilian waiting area approximately ten feet from where PO [REDACTED] sat at the TS Operator desk. Det.

Fresnel stood about one foot from Mr. [REDACTED] PO [REDACTED] heard Mr. [REDACTED] tell Det. Fresnel to get away from him. Mr. [REDACTED] left the stationhouse without filing a complaint because he wanted to file the complaint by himself (BR 10).

PO [REDACTED] testified that he stood about three feet from Mr. [REDACTED] and three feet from Det. Fresnel. He heard Mr. [REDACTED] say that he wanted to file a report, but PO [REDACTED] did not recall what he wanted to make a report about. Mr. [REDACTED] changed his mind and left the stationhouse without filing a report (BR 15).

Det. Fresnel testified that he did not know why Mr. [REDACTED] entered the stationhouse and was not aware that Mr. [REDACTED] wanted to file a complaint against him (BR 11).

Complaints against uniformed members of the service may be made at any patrol precinct. Complaints made in person are processed when the member of service interviews the complainant, gives the complainant a copy of the Civilian Complaint Report to be prepared in the complainant's own handwriting, and furnishes assistance in preparing the form if necessary. In the case in which a person does not immediately want to make a complaint, then the member of service is to provide the complainant with a copy of a Civilian Complaint Report and advise complainant where the complaint may be delivered and provide the complainant with the telephone number of the CCRB. Patrol Guide 207-31 (BR 20).

Although Lt. [REDACTED] did not recall this incident, Mr. [REDACTED] and PO [REDACTED] testified that Lt. [REDACTED] was behind the front desk wearing a white shirt during the incident. Moreover, the Input Ace video confirmed that Mr. [REDACTED] told Lt. [REDACTED] that he wanted to make a complaint against Det. Fresnel and Lt. [REDACTED] responded for him to take a seat. Mr. [REDACTED] was vocal about his desire to file a complaint and left the stationhouse without one. As the supervisor and desk officer of the precinct, Lt. [REDACTED] was responsible for allowing Mr. [REDACTED] to have an avenue to file a complaint as per the Patrol Guide. It is therefore recommended that **Allegation L** be closed as **substantiated**.

Allegation (M) Force: Inside the 101st Precinct stationhouse, Detective Peterson Fresnel used physical force against [REDACTED] [REDACTED]

The interior stationhouse video shot from the lobby camera captures Det. Fresnel following Mr. [REDACTED] as he gets up from the civilian waiting area and walks to the vestibule door. The video does not capture Det. Fresnel making physical contact with Mr. [REDACTED] When Mr. [REDACTED] stands at the vestibule door, Det. Fresnel's body blocks the vantage point of the camera (BR 04).

Mr. [REDACTED] testified that as he walked to the vestibule door, Det. Fresnel followed right behind him. At the vestibule door, Det. Fresnel used his chest to push against Mr. [REDACTED] upper right arm. The physical contact lasted approximately one second and no injuries were sustained. Mr. [REDACTED] told Det. Fresnel to not touch him. Mr. [REDACTED] exited the stationhouse (BR 09).

Det. Fresnel testified that when Mr. [REDACTED] got up to leave, he followed him to the vestibule door with his hands in his pockets. He did not push Mr. [REDACTED] with his stomach or chest nor did he ever touch Mr. [REDACTED] Once Mr. [REDACTED] exited the lobby, Det. Fresnel went upstairs (BR 11).

PO [REDACTED] testified that he heard Mr. [REDACTED] tell Det. Fresnel to get away from him but he did not observe Det. Fresnel make any physical contact with Mr. [REDACTED] (BR 10).

PO [REDACTED] testified that he did not recall if Det. Fresnel made any physical contact with Mr.

██████████ (BR 15).

Due to the conflicting civilian and officer testimony and absent any definitive video evidence, the investigation was unable to establish whether Det. Fresnel pushed Mr. ██████████ with his chest. It is therefore recommended that **Allegation M** be **unsubstantiated**.

Allegation (N) Untruthful Statement: Detective Peterson Fresnel provided a misleading official statement to the CCRB.

The investigation determined by a preponderance of evidence that Det. Fresnel provided a misleading statement to the CCRB during his interview.

Beginning at 01:20 minutes into the recording, Mr. ██████████ tells Det. Fresnel “I’m not dealing with you. I came to make a complaint.” Det. Fresnel asked for Mr. ██████████ driver’s license. Mr. ██████████ asked Det. Fresnel to get away from him. This goes back and forth seven times. Mr. ██████████ then says, “I’m not dealing with you. I came to make a complaint.” Det. Fresnel responded, “That’s fine” and then asked Mr. ██████████ five times if he was intoxicated. In response to these requests, Mr. ██████████ noted that he was not dealing with Det. Fresnel. Finally, Det. Fresnel asked, “Are you driving? Are you intoxicated tonight?” Mr. ██████████ responded that there was no help inside and leaves the precinct. At no point during the incident did Det. Fresnel ask Mr. ██████████ to stop recording or to leave the stationhouse (BR 25).

Det. Fresnel made misleading statements to the CCRB during his interview regarding two material facts. First, Det. Fresnel testified that he did not know the reason why Mr. ██████████ entered the stationhouse and that he was not aware that Mr. ██████████ wanted to file a complaint against him. Second, Det. Fresnel testified that he told Mr. ██████████ to stop recording and to leave the stationhouse. Audio evidence contradicted both of Det. Fresnel’s claims.

Det. Fresnel made the following statements during his CCRB interview (BR 11):

Between 39:10 and 39:40 minutes the following exchange occurred:

Investigator: Did he [Mr. ██████████] say why he was inside the precinct in the first place?”

Det. Fresnel: I don’t know. I don’t know why he was inside. I just heard the yelling. And I’m like, he’s still continuing on inside now, recording, so it is now a security risk.

Investigator: Was he [Mr. ██████████] interacting with any other officers inside?

Det. Fresnel: He’s inside the precinct yelling. I don’t know if he’s speaking to anyone. I just know that he’s inside the precinct yelling where the vestibule seats are.

Between 46:05 and 46:55 minutes, after viewing the interior stationhouse footage:

Investigator: What is your understanding of why Mr. ██████████ had gone inside the stationhouse?

Det. Fresnel: I don’t know why he went in. When I came in following him, it’s from him screaming and him recording. I told him, I said ‘Listen you can’t record in here.

Investigator: Were you aware that Mr. ██████████ wanted to file a complaint against you?

Det. Fresnel: No.

Between 48:54 and 49:30 minutes, after viewing the interior stationhouse footage:

Investigator: At any point during the interaction with Mr. ██████████ inside the stationhouse, did he say he wanted to file a complaint?

Det. Fresnel: No, sir. I didn’t know why he walked in. I just didn’t know what it was.

Investigator: Upon reviewing the stationhouse footage, do you remember anything additional to what you’ve already told us as to what Mr. ██████████ was saying inside the stationhouse?

Det. Fresnel: Just that he was yelling and he acted irate and I asked him for his ID and I said you can't record in here and there are signs that are clearly posted and you have to leave. That's all I told him.

Between 53:20 and 57:25 minutes, Det. Fresnel listened to Mr. [REDACTED] audio recording:

Det. Fresnel: As I said before, when I had the conversation with Mr. [REDACTED] it was basically "Sir, you can't be in here recording, which obviously he is recording, and you can't be in here with your phone. It's a police facility, it's a secure area. You have to leave. Are you licensed? I asked him if he was intoxicated or high, at which point he refused to give his license. I had my hands in my pocket and he exited.

Investigator: Did you hear Mr. [REDACTED] say he was there to make a complaint?

Det. Fresnel: I did not hear that part.

The NYPD prohibits officers from making a false official statement, which is defined as an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation. Administrative Guide 304-10 (BR 26).

According to the InputAce synchronization of video and audio recordings, Det. Fresnel entered the stationhouse and stood approximately five feet from Mr. [REDACTED] as he explained to Lt. [REDACTED] that he wanted to file a complaint against Det. Fresnel for calling him "boy." Det. Fresnel stood approximately one foot from Mr. [REDACTED] when he said "I'm not dealing with you. I came to make a complaint." Shortly later in audio, it is captured that Mr. [REDACTED] says, "I came to make a complaint". In response, Det. Fresnel responded, "That's fine".

It is reasonable that Det. Fresnel, who was in close proximity to Mr. [REDACTED] who was speaking in a loud voice, would have heard that he [Mr. [REDACTED] was in the stationhouse with the intention of filing a complaint. His denial of not knowing why Mr. [REDACTED] was at the stationhouse was not credible and contradicted by the audio recording. In addition, even after viewing the synchronized recording during his CCRB interview, Det. Fresnel maintained that he did not know that Mr. [REDACTED] wanted to file a complaint against him. Given that Det. Fresnel confirmed that he was close enough to Mr. [REDACTED] that he could smell the alcohol on him, it was not reasonable that he did not hear this request. The video and audio evidence, taken together, contradicted Det. Fresnel's claim that he was not aware that Mr. [REDACTED] wanted to file a complaint against him.

Furthermore, though Det. Fresnel maintained that he repeatedly told Mr. [REDACTED] that he was not allowed to record in the stationhouse, this was discredited by the recording. The recordings support Mr. [REDACTED] testimony that he was repeatedly asked for his license and if he was intoxicated but not that he had to stop his cell phone recording. Det. Fresnel presented an alternative narrative about the incident that was material to the investigation.

As Det. Fresnel intentionally made false statements about material facts during his CCRB interview, it is recommended that **Allegation N** be closed as **substantiated**.

Allegation O: Other Possible Misconduct Noted: Police Officer [REDACTED] did not have business cards as required by Administrative Guide 204-09.

PO [REDACTED] confirmed that he provided his name and shield number on the back of PO [REDACTED] business card as he did not have a business cards on his person. As Administrative Guide 204-09 (BR 27) requires officers to maintain an adequate amount of business cards at the start of their tour, it is recommended that **Allegation O** result in **Other Possible Misconduct Noted**.

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Mediation, Civil, and Criminal Histories

- Mr. [REDACTED] declined to mediate this complaint.
- As of July 12, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 22).
- According to the Office of Court Administration (OCA), between November 20, 2012 and July 29, 2021, Mr. [REDACTED] was convicted of disorderly conduct and received a fine. OCA does not list any other convictions (BR 23).

Investigator:	<u>Amanda Field</u>	<u>Investigator Amanda Field</u>	<u>8/30/2021</u>
	Signature	Print Title & Name	Date

Squad Leader: _____	IM _____	9/14/2021
Signature	Print Title & Name	Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____